

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**IN RE: TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

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**Civil Action No.
03 MDL 1570 (GBD) (SN)**

This document applies to:

*Grazioso, et al. v. Islamic Emirate of Afghanistan
a/k/a The Taliban, et al., 1:22-cv-01188 (GBD)(SN)*

**PLAINTIFFS' MOTION FOR LEAVE TO ADD PLAINTIFFS AND
TO FILE SECOND AMENDED COMPLAINT**

Plaintiffs, through counsel, hereby respectfully submit this Motion For Leave To Add Plaintiffs And To File Second Amended Complaint and in support thereof aver the following:

1. *Grazioso, et al. v. Islamic Emirate of Afghanistan, a/k/a The Taliban, et al.*, is brought through the same counsel who represent the plaintiffs in MDL cases *Havlish, et al. v. bin Laden, et al.*, 1:03-cv-09848 (GBD)(SN), *Hoglan, et al. v. Islamic Republic of Iran, et al.*, 1:11-cv-07550 (GBD)(SN), *Ray, et al. v. Islamic Republic of Iran, et al.*, 1:19-cv-00012 (GBD)(SN), and *Ryan, et al. v. Islamic Republic of Iran, et al.*, 1:20-cv-00266 (GBD)(SN).

2. The *Havlish* case named as defendants, *inter alia*, the Islamic Emirate of Afghanistan, *aka*, the Taliban, as well as the other three *Grazioso* defendants, Muhammad Omar, Osama bin Laden, deceased, and al Qaeda, and the *Havlish* Plaintiffs obtained a final enforceable judgment for money damages against all of them on October 12, 2012. The *Hoglan*, *Ray*, and *Ryan* actions named as defendants the Islamic Republic of Iran and fifteen of Iran's political subdivisions, agencies and instrumentalities, but did not name the Taliban.

3. On February 11, 2022, counsel filed the original *Grazioso* Complaint, establishing

civil action 1:22-cv-01188 (GBD)(SN). *Grazioso* Doc. No. 1. The *Grazioso* Plaintiffs are those *Hoglan*, *Ray*, and *Ryan* Plaintiffs who are not plaintiffs in other cases against the Taliban in this MDL.

4. At the time of the original filing, February 11, 2022, the *Grazioso* Plaintiffs indicated on the Civil Cover Sheet that the *Grazioso* case is related to the *In Re: September 11, 2001 Terrorist Attacks on the United States*, 03 MDL 1570 (GBD)(SN), and, as well, filed a Statement of Relatedness to the MDL. *Grazioso* Doc. Nos. 2 and 3.

5. On August 1, 2022, an Amended Complaint was filed in *Grazioso* in order to add party plaintiffs who are also represented by co-counsel in the *Ray* case. *Grazioso* Doc. No. 19.

6. In connection with the filing of the Amended Complaint, counsel realized that neither the original *Grazioso* Complaint nor the Amended Complaint was filed on the MDL docket; both were filed only on the *Grazioso* docket. In order to complete the filing of the Amended Complaint on August 1, 2022, counsel proceeded to file it on the *Grazioso* docket. Counsel then conferred telephonically with the Clerk of Court, and, based on the information received thereby, subsequently re-filed the original Complaint, exactly as it was originally filed on February 11, 2022, on the MDL docket on August 19, 2022. MDL Doc. No. 8400. Counsel then also re-filed the Amended Complaint, exactly as it was filed on August 1, 2022, on the MDL docket on August 20, 2022. MDL Doc. No. 8416.

7. At the time of the original filing in February, 2022, Plaintiffs' counsel had not submitted a letter to Your Honors requesting that the case be placed into the 9/11 MDL. Realizing that omission, undersigned counsel did so on August 20, 2022. (That letter indicated the original filing was on February 12, 2022; in fact, the original Complaint was filed on February 11, 2022.)

8. Following the re-filing of the Amended Complaint on the MDL docket, counsel learned that the claims of two Plaintiffs were inadvertently left off the Amended Complaint. Both

are claims by long-time Plaintiffs in this MDL. Accordingly, this Motion seeks leave of Court to add both parties as named plaintiffs in *Grazioso* in a Second Amended Complaint.

9. The first claim is that of Debra Zeplin as Personal Representative of the Estate of Marc Scott Zeplin, Deceased. Debra Zeplin, as Personal Representative of the Estate of Marc Scott Zeplin, received a judgment against Iran in *Hoglan* on October 31, 2016. MDL Doc. No. 3382.

10. The second claim is that of Joseph F. Maher, a surviving child of 9/11 decedent Daniel L. Maher. Joseph F. Maher received a judgment against Iran on October 31, 2016, while represented by other counsel in *Bauer, et al. v. al-Qaeda Islamic Army, et al.* MDL Doc. No. 3387. This Court subsequently entered an Order on November 26, 2019, substituting the undersigned lead counsel as counsel for Joseph F. Maher, as well as certain others, for purposes of enforcement of the judgment against Iran obtained by that plaintiffs, and certain others, in *Bauer*. MDL Doc. No. 5312.

11. Adding these two parties as Plaintiffs would be the only change from the Amended Complaint.

12. The proposed Second Amended Complaint, with the two above-named parties to be added, is attached hereto as **EXHIBIT A**.

13. The *Grazioso* Plaintiffs seek leave of Court for leave to file a Second Amended Complaint adding the two parties above as plaintiffs.

WHEREFORE, Plaintiffs pray that this Honorable Court enter the attached proposed Order GRANTING this Motion for Leave To Add Plaintiffs And To File Plaintiffs' Proposed Second Amended Complaint.

Respectfully Submitted,

Date: August 22, 2022

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